REMARKS

This paper is being provided in response to the Office Action mailed April 22, 2004, for the above-referenced application. In this response, Applicants have made minor changes to the specification, cancelled claims 8-21, 29-40, and 53-62 and amended claims 1, 22 and 41 to clarify that which Applicants consider to be the invention. Applicants respectfully submit that the changes to the specification do not add new matter and that the amendments to the claims are fully supported by the originally-filed specification.

The rejection of claims 1-4, 8-12, 14-25, 29-33, 35-44, 46-57, and 59-62 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,094,731 to Waldin et al. (hereinafter "Waldin") and the rejection of claims 5-7, 13, 26-28, 34, 45, and 58 under 35 U.S.C. 103(a) as being unpatentable over Waldin are both hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein. Claims 8-21, 29-40, and 53-62 have been cancelled herein.

Claim 1, as amended herein, recites a method of scanning a storage device for viruses. The method includes determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions that is independent of the file structure, file system, and file types and scanning at least parts of the physical portions for viruses, wherein scanning is independent of the file structure, file system, and file types. Claims 2-7 depend from claim 1.

Claim 22, as amended herein, recites a computer program product for scanning a storage device for viruses. The recited computer program includes means for determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions that is independent of the file structure, file system, and file types and includes means for scanning at least parts of the physical portions for viruses, wherein the scanning is independent of the file structure, file system, and file types. Claims 23-28 depend from claim 22.

Claim 41, as amended herein, recites an antivirus unit, that includes means for coupling to at least one storage device, means for determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions that is independent of the file structure, file system, and file types and means for scanning at least parts of the physical portions for viruses, where scanning is independent of the file structure, file system, and file types. Claims 42-52 depend from claim 41.

Waldin discloses a system, method, and computer readable medium for examining a file (1) associated with an originating computer (2) to determine whether a virus is present within the file (1). Waldin discloses that the file (1) contains at least one sector and is scanned by an antivirus module (3). An identification and hash value of each scanned sector, a date of an update to the antivirus module (3), and a version number of the antivirus module (3) are stored in a critical sectors file (4). Hash values may be calculated by an antivirus accelerator module (5).

Applicants respectfully submit that Waldin does not show, teach, or suggest features of claim 1 which include determining physical portions of a storage device that had been modified since a previous virus scan using information about the physical portions that is independent of the file structure, file system, and file type and which include the feature of scanning at least parts of the physical portions for viruses wherein scanning is independent of the file structure, file system, and file types. Instead, Waldin specifically discloses scanning files. For example, the box 22 in figure 2 of Waldin is labeled "scan file 1" and is described, for example, at column 4 beginning at line 48 which discloses that the antivirus scan module (3) is invoked to scan file (1) in the normal manner (step 22).

Furthermore, during scanning of the file (1), a module (5) places into a critical sectors file (4) an identification (e.g., number) of each of the sectors that is scanned (step 23 of figure 2). Subsequently, a digital signature of the file (4) is produced to authenticate the scan information.

Note that, in the first place, Waldin specifically discloses performing scanning on a per file basis and contains no disclosure whatsoever relating to scanning independently of file system, file type or file structure as specifically recited in Applicants claims. In addition, it is not clear how one of ordinary skill in the art could modify Waldin to scan independently of file structure since Waldin specifically discloses digitally signing the scanned information about each file (and not some other increment) for efficiency. In other words, it is difficult to see how one of ordinary skill in the art could modify Waldin to provide the present claimed invention since it is not clear what information (or block of information), other than a file, would be digitally
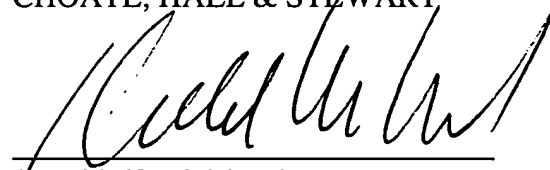
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signed as disclosed by Waldin. If not file information,, then there is no other mechanism disclosed in Waldin for accumulating information about scanning.

Applicants note that independent claims 22 and 41 include recitations similar to that for claim 1, discussed above, where information that is independent of file structure, file system, and file types is used to determine area to scan and that scanning is performed independent of file structure, file system, and file types. As discussed above with respect to claim 1, this is very different from the disclosure of Waldin which depends on specific files and file structures in order to perform the virus scanning disclosed therein.

Based on the reasons set forth above, Applicants respectfully submit that the features of the independent claims are neither shown, taught, nor suggested by Waldin. Accordingly, Applicants respectfully request that these rejections be withdrawn.

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Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-248-4038.

Respectfully submitted,
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